

Remarks, continued

Different Features:

Independent Claim 1 has been rewritten as independent Claim 5, and dependent Claim 3 has been rewritten as dependent Claim 7. The rewritten claims emphasize novel features not taught by Berndt.

As can be learned from the patent of Berndt, Berndt teaches a linear spray chamber, and further, the spray chamber does not have temperature control. The office action incorrectly identifies the spray chamber of Berndt as being comprised of parts 76, 82, and 88. However, Berndt specifically identifies a spray chamber 76, part 82 as a piece of tubing or heating chamber, and part 88 as a cooling device or chamber. The spray chamber 76 of Berndt thus can be seen to be linear, since a straight line may be drawn from nebulizer to spray chamber exit. Applicant's spray chamber, as defined in Claim 5b, is non-linear and may be allowed.

As can be learned from the patent of Berndt, the spray chamber 76 does not have any temperature control. Applicant's spray chamber, as defined in Claim 5c, has a different feature, (namely temperature control) and may be allowed.

Aside from not utilizing temperature control for the spray chamber, the device of Berndt requires at least two temperature zones, wherein Claim 5c describes a single temperature zone device, the elimination of complexity being highly patentable. Further, the device of Berndt utilizes 3 chambers (spray chamber, heating chamber, and cooling chamber), where applicant's device (Claim 5) is a single chamber.

Neither is Claim 7 (rewritten from Claim 3) anticipated by Berndt. As previously discussed, Berndt does not apply either heating or cooling to the spray chamber 76. The patent of Berndt is applied to a device